

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD BROWN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:06CV1508 CDP
)	
JOSEPH L. JOHNSON, an individual,)	
d/b/a J&R BRICKLAYING)	
)	
Defendant.)	

MEMORANDUM AND ORDER


Plaintiffs filed this action on October 13, 2006 to recover from defendant Joseph L. Johnson doing business as J&R Bricklaying delinquent fringe benefit contributions, liquidated damages, and interest owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) (“ERISA”) and the Labor Management Relations Act of 1947, 29 U.S.C. § 185. Plaintiffs also seek an award of their attorney fees against Johnson. Johnson has not appeared, and plaintiffs moved for default judgment, submitting in support of their motion the affidavits of Greg Campbell and Gary Juenger. On March 20, 2007, the Clerk of Clerk entered default against defendants.

Under ERISA, 29 U.S.C. §1132(g)(2) and §1145, and under the applicable collective bargaining agreement, defendants owe \$13,844.64 in delinquent fringe

benefit contributions and \$2,302.76 in liquidated damages. ERISA requires delinquent employers to pay plaintiffs' attorney fees and costs. Plaintiffs incurred \$724.50 in legal fees, and \$629.45 in court costs. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorney fees is reasonable.

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment [# 6] is granted.

A separate Default Judgment is issued this same day.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of May, 2007.